

Inventor: Bonczyk, Wayne et al.
Serial No.: 09/992,942
Army Dkt. No. 101044-0001US1

Art Unit 2621
Examiner: Ishrat Sherali

Remarks/Arguments

35 U.S.C. § 112

The Office continues to reject claim 35 for failing to meet the written description requirement of section 112. The applicant previously pointed the office's attention to support in a provisional application to which the present application claims priority, but the Office apparently couldn't find that citation. There are two provisionals, 60/246295 filed Nov 6, 2000 and 60/317521 filed Sept 5, 2001. The citation is to the '295 provisional, page 6, para. 5.2, last sentence. "If there is no match within a specified tolerance, then a message is returned indicating this situation, and the user is advised to try to re-image under better conditions (better lighting, closer range, etc.)."

The Office nevertheless considers the passage to provide insufficient disclosure. In response, the applicant points the Office's attention to originally filed claim 22, which recites "A method for identifying to a user a multi-dimensional object from at least one digitally captured image...." The "at least one" language necessarily means that the applicant was at least contemplating identifying an object using two images. See also originally filed claims 26 and 27. Those claims provide sufficient disclosure to support claim 35 as currently worded.

35 U.S.C. § 102

The Office continues to reject claims 31-34 and 36-47 as being anticipated by U.S. Patent No. 6532298 (Cambier et al.) The applicant respectfully disagrees, especially in view of the amendments herein.

Currently amended claim 31, (and claims 32-34, 36-37 by virtue of their dependency) recites that the service is programmed to "distinguish the object from others using a database that stores image characteristics of target objects including diverse types of target objects." In other words, the database must include image characteristics of diverse types of target objects, and therefore claim 31 cannot properly be read on the iris identification system of Cambier.

Nor is this an obvious variation. It is one thing to store and compare image characteristics of instances of a single object, such as an iris, and it is another thing entirely to

Inventor: Boncyk, Wayne et al.
Serial No.: 09/992,942
Attorney Dkt. No. 101044.0001US1

Art Unit 2621
Examiner: Ishrat Sherahi

store and compare image characteristics of diverse objects, from symbols to billboard signs, automobiles, and so forth. Indeed, much of the specification deals with enabling this latter, very difficult task, including for example a discriminator algorithm that determines which type of object the system is dealing with. (See spec. page 6, line 14, et seq.)

Request For Allowance

Claims 31-47 are pending in this application. The applicant requests allowance of all pending claims.

Respectfully submitted,

Rutan & Tucker, LLP

Dated: March 4, 2005

By: 

Robert D. Fish
Reg. No. 33,880

Attorneys for Applicant(s)
Post Office Box 1950
Costa Mesa, CA 92628-1950
Tel: (714) 641-5100
Fax: (714) 546-9035